FO2302877

# Table of Contents

Investigator's Log

Audio/Video Tracking Sheet

Use of Force Form

Investigative Summary

Deputy [redacted] Transcribed Interview

Deputy [redacted] Transcribed Interview

Deputy [redacted] Transcribed Interview

Sergeant Richard Cartmill Transcribed Interview

Deputy Terren Gilbeau Transcribed Interview

Deputy [redacted] Transcribed Interview

Deputy [redacted] Transcribed Interview

Deputy Marshall Lawrence Transcribed Interview

Exhibit A: Jail Investigations Unit, District Attorney filing package including all the involved Deputy's reports.

Exhibit B: Inmate Lopez' Inmate Injury report, and NCCF medical tracking form.

Exhibit C: Photographs of Inmate Lopez' injuries.

Exhibit D: Taser International (serial number X00-468142) down load report.

Exhibit E: Diagrams by Deputies Lawrence, [redacted], [redacted] and [redacted]

Exhibit F: Photograph of a view from dorm 718 to staff station 715 and a CD containing all photos from dorm 718.

**Exhibit G:** **Seven DVDs containing an inmate disturbance, some of the deputies force, interviews with Inmate Lopez and other inmates. Also, seven video tapes containing the same information on the seven DVDs.**

**Miscellaneous Documents**

Administrative Rights Forms
In-service for December 3, 2011, NCCF day shift.
Inmate roster for inmates assigned to dorms 716, 717, 718, and 719.

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT
*A Tradition of Service*

DATE: October 1, 2012
FILE NO:

OFFICE CORRESPONDENCE

**FROM:** MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

**TO:** ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

**SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:**

| | |
|---|---|
| Case Number: | FO2302877/IV2320645 |
| Incident: | Significant Use of Force |
| Incident Date: | December 3, 2011 |
| Unit: | North County Correctional Facility/Custody Division |
| Suspects: | Luis Felipe Lopez, M/36 |
| Involved Employees: | Deputy [redacted] #[redacted]<br>Deputy [redacted] #[redacted]<br>Deputy [redacted], #[redacted]<br>Deputy Terren Gilbeau, #[redacted]<br>Deputy [redacted] #[redacted]<br>Deputy [redacted] #[redacted]<br>Sergeant Richard Cartmill, #[redacted] |
| EFRC Date: | September 27, 2012 |

The Committee consisting of Commander Buddy Goldman, Field Operations Region I, and myself met and reviewed the above case.

**FINDINGS:**
The Committee determined the force used by Deputy [redacted] Deputy [redacted] Deputy [redacted], Deputy Gilbeau, Deputy [redacted] Deputy [redacted] and Sergeant Cartmill was objectively reasonable and in compliance with Department Policy. The Committee also determined the tactics used by the deputies were within the Department's training standards.

**RECOMMENDATIONS:**
The Committee recommended a tactical debriefing of the incident be conducted by the unit commander, Captain Victor M. Trujillo, with the involved personnel.

In addition, the Committee recommended the unit commander address the issue of expired Taser cartridges and Oleoresin Capsicum (OC) spray with the facility's armory sergeant to ensure all cartridges and OC spray are up-to-date.

Lastly, the committee directed Custody Headquarters Training to produce and distribute a newsletter regarding the importance of checking the expiration date of Taser cartridges.

MJR:JER:jer

# Los Angeles County Sheriff's Department

## Supervisor's Report on Use of Force

### Incident Information

| | | | |
|---|---|---|---|
| URN: 911-01806-5640-054 | Date: 12/3/11 | Time: 1320 | |
| Location: 29340 The Old Road | | City or Station: Castaic | |
| Bureau/Station/Facility: Custody Operations/North County Correction Facility | | Admin. Investigation: YES [X] NO [ ] | |
| Type of Force: Significant Force: Flashlight Strikes/ Taser/ Hobble/ Handcuffing | | | |
| Deputy Injury : YES [X] NO [ ] | Suspect Injury YES [X] NO [ ] | | |
| [ ] Call | [X] Observation | [ ] Detail | [ ] Foot Pursuit [ ] Vehicle Pursuit |
| IAB Notified: YES [X] NO [ ] | Person Notified: Lt. [redacted] | Emp: [redacted] | IAB Roll Out: YES [X] NO [ ] |

### Involved Employee

**E1**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name [redacted] | First Name [redacted] | Middle Name [redacted] |
| Sex: [X] Male [ ] Female | Race: H | Unit of Assignment: NCCF | Work Assignment (Unit #, Module, etc.): 715 |
| Shift: [ ] EM [X] Day [ ] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 511 / Weight: 160 |
| [X] Injured [X] Treated [ ] Admitted | Hospital: | Coroner Case # | Directed Force [ ] Significant Force [X] |

**E2**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name [redacted] | First Name [redacted] | Middle Name |
| Sex: [X] Male [ ] Female | Race: H | Unit of Assignment: NCCF | Work Assignment (Unit #, Module, etc.): 700 Prowl 1 |
| Shift: [ ] EM [X] Day [ ] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 602 / Weight: 220 |
| [X] Injured [X] Treated [ ] Admitted | Hospital: | Coroner Case # | Directed Force [ ] Significant Force [X] |

**E3**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name [redacted] | First Name [redacted] | Middle Name [redacted] |
| Sex: [X] Male [ ] Female | Race: W | Unit of Assignment: NCCF | Work Assignment (Unit #, Module, etc.): 700 Acting Senior |
| Shift: [ ] EM [X] Day [ ] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 603 / Weight: 170 |
| [ ] Injured [ ] Treated [ ] Admitted | Hospital: | Coroner Case # | Directed Force [X] Significant Force [ ] |

[ ] **Additional Involved Employees**

### On Duty Supervisor

| Emp. # | Last Name | First Name | Middle Name | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | Cartmill | Richard | J | Sgt | YES [X] NO [ ] | YES [X] NO [ ] |
| | | | | | YES [ ] NO [ ] | YES [ ] NO [ ] |

### Watch Sergeant

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Larue | Richard | H |

### Watch Commander

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Lopez | Victor | L |

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

David Bly | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

# Supervisor's Report on Use of Force
# INVOLVED EMPLOYEE - Continuation
# 9 1 1 - 0 1 8 0 6 - 5 6 4 0 - 0 5 4



**Involved Employee**

**E 4**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Cartmill | Richard | J |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☒ Male ☐ Female | W | NCCF | 700 Sergeant |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | [redacted] | 508 | 185 |

| | Hospital | Coroner Case # | |
|---|---|---|---|
| ☐ Injured ☐ Treated ☐ Admitted | | | Directed Force ☐ Significant Force ☐ |

**E 5**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Gilbeau | Terren | M |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☒ Male ☐ Female | B | NCCF | 700 Title 15 |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | [redacted] | 511 | 180 |

| | Hospital | Coroner Case # | |
|---|---|---|---|
| ☒ Injured ☒ Treated ☐ Admitted | | | Directed Force ☐ Significant Force ☒ |

**E 6**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☒ Male ☐ Female | H | NCCF | 700 Title 15 |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | [redacted] | 507 | 160 |

| | Hospital | Coroner Case # | |
|---|---|---|---|
| ☒ Injured ☒ Treated ☐ Admitted | | | Directed Force ☐ Significant Force ☒ |

**E 7**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☒ Male ☐ Female | W | NCCF | 800 Title 15 |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | [redacted] | 511 | 215 |

| | Hospital | Coroner Case # | |
|---|---|---|---|
| ☐ Injured ☐ Treated ☐ Admitted | | | Directed Force ☐ Significant Force ☐ |

**E_**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☐ Male ☐ Female | | | |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | | | |

| | Hospital | Coroner Case # | |
|---|---|---|---|
| ☐ Injured ☐ Treated ☐ Admitted | | | Directed Force ☐ Significant Force ☐ |

# Supervisor's Report on Use of Force
# SUSPECT INFORMATION
# 911-01806-5640-054



**Suspect Information**

S 1

| | | | | | |
|---|---|---|---|---|---|
| Last Name | Lopez | First Name | Luis | Middle Name | Felipe |
| AKA Last Name | | First Name | | Middle Name | |

Sex: [X] Male [ ] Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 36 | Height: 511 | D.O.B. 05/14/75 | Weight: 300 | Armed? [ ]

Booking #: 2960522 | Primary Charge Code: 273.5 PC | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? [ ] YES [X] NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? [ ] Rec'd Treatment At: Henry Mayo Newhall Memorial Coroner Case #: ____ Mental History [ ]

By Doctor: Garrett Sutter Address: 23845 Mcbean Parkway, Valencia 91355 Phone #: 661-253-8000

Under Influence: [ ] YES [X] NO Substance: ____ Mental Illness [ ]

**Suspect Interview**

Date: 12/03/11 | Time: 1450 | [ ] Audiotape: [X] Videotape: [X] Photos of Injuries: [X] ADMITS HEARING ANNOUNCEMENTS

**Suspect Information**

S__

| | | | | | |
|---|---|---|---|---|---|
| Last Name | | First Name | | Middle Name | |
| AKA Last Name | | First Name | | Middle Name | |

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? [ ] Rec'd Treatment At: ____ Coroner Case #: ____ Mental History [ ]

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: [ ] YES [ ] NO Substance: ____ Mental Illness: [ ]

**Suspect Interview**

Date: | Time: | [ ] Audiotape: [ ] Videotape: [ ] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

**Suspect Information**

S__

| | | | | | |
|---|---|---|---|---|---|
| Last Name | | First Name | | Middle Name | |
| AKA Last Name | | First Name | | Middle Name | |

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? [ ] Rec'd Treatment At: ____ Coroner Case #: ____ Mental History [ ]

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: [ ] YES [ ] NO Substance: ____ Mental Illness [ ]

**Suspect Interview**

Date: | Time: | [ ] Audiotape: [ ] Videotape: [ ] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

# Supervisor's Report on Use of Force
## EMPLOYEE / NON-EMPLOYEE INFORMATION
## 9 1 1 - 0 1 8 0 6 - 5 6 4 0 - 0 5 4



**Employee Witnesses**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Lawrence | Marshall | R |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**Non-Employee Witnesses**

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| Street Address | City | Zip Code | Work Ph. | Home Ph. |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

☐ Additional Witness

### *Method*

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### *Type of Injury*

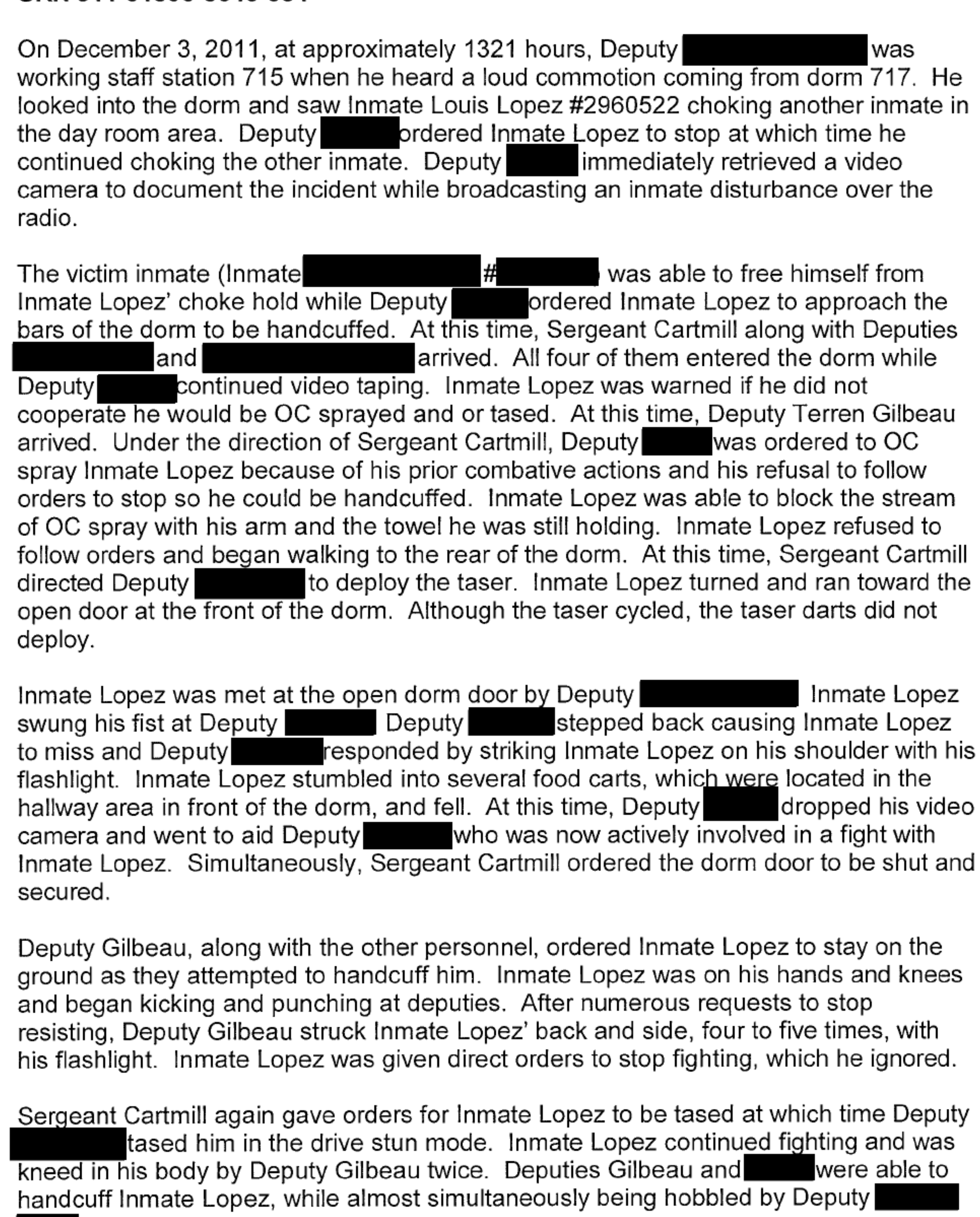
(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### *Body Part Injured*

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

| FORCE USED BY | | FORCE USED AGAINST | | Method (Code) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|
| Name | E# or S# | Name | E# or S# | | | |
| [redacted] | S-1 | [redacted] | E-2 | RS UC | NN | |
| [redacted] | E-2 | [redacted] | S-1 | OC | NN | |
| [redacted] | S-1 | [redacted] | E-6 | PH | NN | |
| [redacted] | E-6 | [redacted] | S-1 | FL | BR CP | SH |
| [redacted] | E-6 | [redacted] | S-1 | CT TT | BR CP | SH |
| [redacted] | S-1 | [redacted] | E-6 | RS PO | BR CP | KN FA |
| [redacted] | E-1 | [redacted] | S-1 | CT TT | BR CP | SH NK |
| [redacted] | S-1 | [redacted] | E-1 | PH | AB | FA HD |
| [redacted] | S-1 | [redacted] | E-1 | RS | BR | CH KN |
| [redacted] | E-6 | [redacted] | S-1 | CT | BR CP | BK |
| [redacted] | S-1 | [redacted] | E-6 | PO | HB | HD |
| Gilbeau | E-5 | [redacted] | S-1 | TT CT | BR CP | AR SH NK |
| [redacted] | S-1 | Gilbeau | E-5 | PK PR | CP | BK AR HD |
| Gilbeau | E-5 | [redacted] | S-1 | FL PO | FR CP | BK |
| Gilbeau | E-5 | [redacted] | S-1 | RH | WR | NN |
| [redacted] | S-1 | [redacted] | E-2 | PH PK | AB | LE |
| [redacted] | S-1 | [redacted] | E-2 | PH PK | SD FR | AK |
| [redacted] | E-2 | [redacted] | S-1 | TT PH | BR CP | AD |
| [redacted] | E-2 | [redacted] | S-1 | CT RH | CP | WR |
| Cartmill | E-4 | [redacted] | S-1 | CT | CP | LE |
| [redacted] | E-3 | [redacted] | S-1 | TR PO | CP | BK BT LE |
| [redacted] | E-3 | [redacted] | S-1 | CT HB | CP | LE AK |
| [redacted] | E-7 | [redacted] | S-1 | CT HB | CP | LE AK |
| | | | | | | |
| | | | | | | |

**INVESTIGATIVE SUMMARY**
**USE OF FORCE- BONE FRACTURES**
**IAB CASE NUMBER FO2302877**
**URN 911-01806-5640-054**



On December 3, 2011, at approximately 1321 hours, Deputy [redacted] was working staff station 715 when he heard a loud commotion coming from dorm 717. He looked into the dorm and saw Inmate Louis Lopez #2960522 choking another inmate in the day room area. Deputy [redacted] ordered Inmate Lopez to stop at which time he continued choking the other inmate. Deputy [redacted] immediately retrieved a video camera to document the incident while broadcasting an inmate disturbance over the radio.

The victim inmate (Inmate [redacted] # [redacted] was able to free himself from Inmate Lopez' choke hold while Deputy [redacted] ordered Inmate Lopez to approach the bars of the dorm to be handcuffed. At this time, Sergeant Cartmill along with Deputies [redacted] and [redacted] arrived. All four of them entered the dorm while Deputy [redacted] continued video taping. Inmate Lopez was warned if he did not cooperate he would be OC sprayed and or tased. At this time, Deputy Terren Gilbeau arrived. Under the direction of Sergeant Cartmill, Deputy [redacted] was ordered to OC spray Inmate Lopez because of his prior combative actions and his refusal to follow orders to stop so he could be handcuffed. Inmate Lopez was able to block the stream of OC spray with his arm and the towel he was still holding. Inmate Lopez refused to follow orders and began walking to the rear of the dorm. At this time, Sergeant Cartmill directed Deputy [redacted] to deploy the taser. Inmate Lopez turned and ran toward the open door at the front of the dorm. Although the taser cycled, the taser darts did not deploy.

Inmate Lopez was met at the open dorm door by Deputy [redacted] Inmate Lopez swung his fist at Deputy [redacted] Deputy [redacted] stepped back causing Inmate Lopez to miss and Deputy [redacted] responded by striking Inmate Lopez on his shoulder with his flashlight. Inmate Lopez stumbled into several food carts, which were located in the hallway area in front of the dorm, and fell. At this time, Deputy [redacted] dropped his video camera and went to aid Deputy [redacted] who was now actively involved in a fight with Inmate Lopez. Simultaneously, Sergeant Cartmill ordered the dorm door to be shut and secured.

Deputy Gilbeau, along with the other personnel, ordered Inmate Lopez to stay on the ground as they attempted to handcuff him. Inmate Lopez was on his hands and knees and began kicking and punching at deputies. After numerous requests to stop resisting, Deputy Gilbeau struck Inmate Lopez' back and side, four to five times, with his flashlight. Inmate Lopez was given direct orders to stop fighting, which he ignored.

Sergeant Cartmill again gave orders for Inmate Lopez to be tased at which time Deputy [redacted] tased him in the drive stun mode. Inmate Lopez continued fighting and was kneed in his body by Deputy Gilbeau twice. Deputies Gilbeau and [redacted] were able to handcuff Inmate Lopez, while almost simultaneously being hobbled by Deputy [redacted]

Inmate Lopez was immediately placed on his left side and medical aid was summoned. He was transported to Henry Mayo Newhall Memorial Hospital where he was diagnosed with a fractured L-1 and L-2 vertebrae and a small laceration near the right eyebrow. He was treated by Doctor Garrett G. Sutter and was transported to IRC to be housed.

Deputies [redacted] Gilbeau, [redacted] and [redacted] were transported and treated at Santa Clarita Valley Quality Care for injuries they sustained during this altercation.

**IAB Note: IAB investigators did not respond to the force scene on the day of the incident because the seriousness of Inmate Lopez' injuries were not immediately discovered and all of the involved deputies were off duty.**

**IAB Note: See Exhibit "A" for Jail Investigations Unit, District Attorney filing package including all the involved Deputies reports.**

**IAB Note: See Exhibit "B" for Inmate Lopez' Inmate Injury report, and NCCF medical tracking data form.**

**IAB Note: See Exhibit "C" for photographs of Inmate Lopez' injuries and Exhibit "G" for DVD #1 and #1A containing a recording depicting Inmate Lopez' injuries.**

**<u>INVOLVED PERSONNEL</u>**

[redacted] Deputy Sheriff, #[redacted]
Custody Operations Division
North County Correctional Facility

**<u>Work History</u>**

Date of Employment [redacted]
Date Assigned to NCCF [redacted]
Date Completed Patrol Training [redacted]
Prior Founded Force Incidents [redacted]



[redacted] Deputy Sheriff, #[redacted]
Custody Operations Division
North County Correctional Facility

**Work History**



| | |
|---|---|
| Date of Employment | [redacted] |
| Date Assigned to NCCF | |
| Date Completed Patrol Training | |
| Prior Founded Force Incidents | |

[redacted] Deputy Sheriff, #[redacted]
Custody Operations Division
North County Correctional Facility

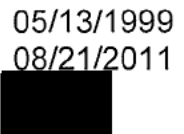
**Work History**



| | |
|---|---|
| Date of Employment | [redacted] |
| Date Assigned to NCCF | |
| Date Completed Patrol Training | |
| Prior Founded Force Incidents | |

**CARTMILL,** Richard, Sergeant, #[redacted]
Custody Operations Division
North County Correctional Facility

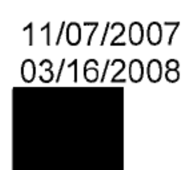
**Work History**



| | |
|---|---|
| Date of Employment | 05/13/1999 |
| Date Assigned to NCCF | 08/21/2011 |
| Date Completed Patrol Training | [redacted] |
| Prior Founded Force Incidents | |

**GILBEAU,** Terren, Deputy Sheriff, #[redacted]
Custody Operations Division
North County Correctional Facility

**Work History**



| | |
|---|---|
| Date of Employment | 11/07/2007 |
| Date Assigned to NCCF | 03/16/2008 |
| Date Completed Patrol Training | [redacted] |
| Prior Founded Force Incidents | |

[redacted] Deputy Sheriff, #[redacted]
Custody Operations Division
North County Correctional Facility

**Work History**

Date of Employment [redacted]
Date Assigned to NCCF [redacted]
Date Completed Patrol Training [redacted]
Prior Founded Force Incidents

**HOLT,** Gerald, Deputy Sheriff, #[redacted]
Custody Operations Division
North County Correctional Facility

**Work History**

Date of Employment [redacted]
Date Assigned to NCCF [redacted]
Date Completed Patrol Training  [redacted]
Prior Founded Force Incidents

**IAB Note:** [redacted]

**INMATE**

**LOPEZ**, Luis Felipe, MH/36, DOB: 05/14/1975, Booking #2960522
Inmate Lopez criminal history [redacted]

**IAB Note: See to Exhibit "A" pages 32-38 for further information.**

**SWORN WITNESSES**

**MARSHALL,** Lawrence, Deputy Sheriff, #[redacted]
Custody Operations Division
North County Correctional Facility

## INMATE INJURIES

Inmate Lopez suffered two transverse process fractures in his back at right L-1 and left L-2, lacerations on his right index finger and above his right eye, and bruising on his back and stomach. Inmate Lopez was treated at Henry Mayo Newhall Memorial Hospital by Doctor Garrett G. Sutter.

**IAB Note: IAB Note: See Exhibit "B" for Inmate Lopez', Inmate Injury report, NCCF medical tracking data form. Also see Exhibit "C" for photographs of Inmate Lopez' injuries and Exhibit "G" for DVD #1 containing a recording depicting Inmate Lopez' injuries.**

## DEPUTY INJURIES

Deputy [redacted] suffered cuts to his bottom lip and on his left pinky knuckle and bruising on the right side of his chest and on his right knee.

Deputy [redacted] suffered contusions on his left shin, a torn ligament and a chip fracture on his left ankle.

Deputy Gilbeau suffered pain to his back, left forearm, and his left ring finger.

Deputy [redacted] suffered contusions to his left index finger and right knee, a bite wound to his left index finger, and a headache with blurred vision.

Deputy [redacted] Deputy [redacted] and Sergeant Cartmill had no injuries.

## PHYSICAL EVIDENCE

**IAB Note: See Exhibit "C" pages 7 and 8 for photographs of blood stains indicating where the force took place in front of staff station 715.**

## FORCE USED BY DEPUTY PERSONNEL

Deputy [redacted] Personal weapon (3 punches), takedown, control holds, and handcuffing.

Deputy [redacted] OC spray, personal weapon (4-5 punches), takedown, control holds, and handcuffing.

Deputy [redacted] Taser (serial number X[redacted]), personal weapon (knee strike),

control holds, and hobble.

Sergeant Cartmill: Directed force, control hold.

Deputy Gilbeau: Takedown, flashlight strikes, personal weapon (knee strike), handcuffing, and hobble.

Deputy [redacted] Flashlight strike, takedown, and personal weapons.

Deputy [redacted] Control hold, hobble.

**IAB Note: See Exhibit "D" for Taser International (serial number X[redacted]) down load report. Note on 12/03/11 the taser was activated three times within 41 seconds between 13:27:41 and 13:28:22 hours.**

**IAB Note: NCCF training personnel discovered that several outdated dart cartridges were in-service, and that was the apparent reason why the darts did not deploy in this incident. Taser International advised them to remove the outdated cartridges from service.**

## FORCE USED BY THE INMATE

Assaultive: Fist, hands, arms, and body.

## PROPERTY DAMAGE

**None**

## CRIMINAL INVESTIGATOR/CHARGES FILED

**Investigator:** Detective Dennis Salazar.
**Court:** San Fernando Court Case PA073218
**Charges:** 243(c)(1) P.C.
**Court Date:** Arrest Warrant Issued.

## LIGHTING AND WEATHER CONDITIONS

The incident occurred during day light hours inside North County Correctional Facility, dorm 717.

## INVOLVED EMPLOYEE STATEMENTS

[redacted] Deputy Sheriff

Deputy [redacted] was interviewed by IAB Sergeants David Bly and Brenda Parker on January 20, 2012, at approximately 0925 hours. The interview took place at IAB and was recorded for review. The following is a summary of that interview and of a report he wrote:

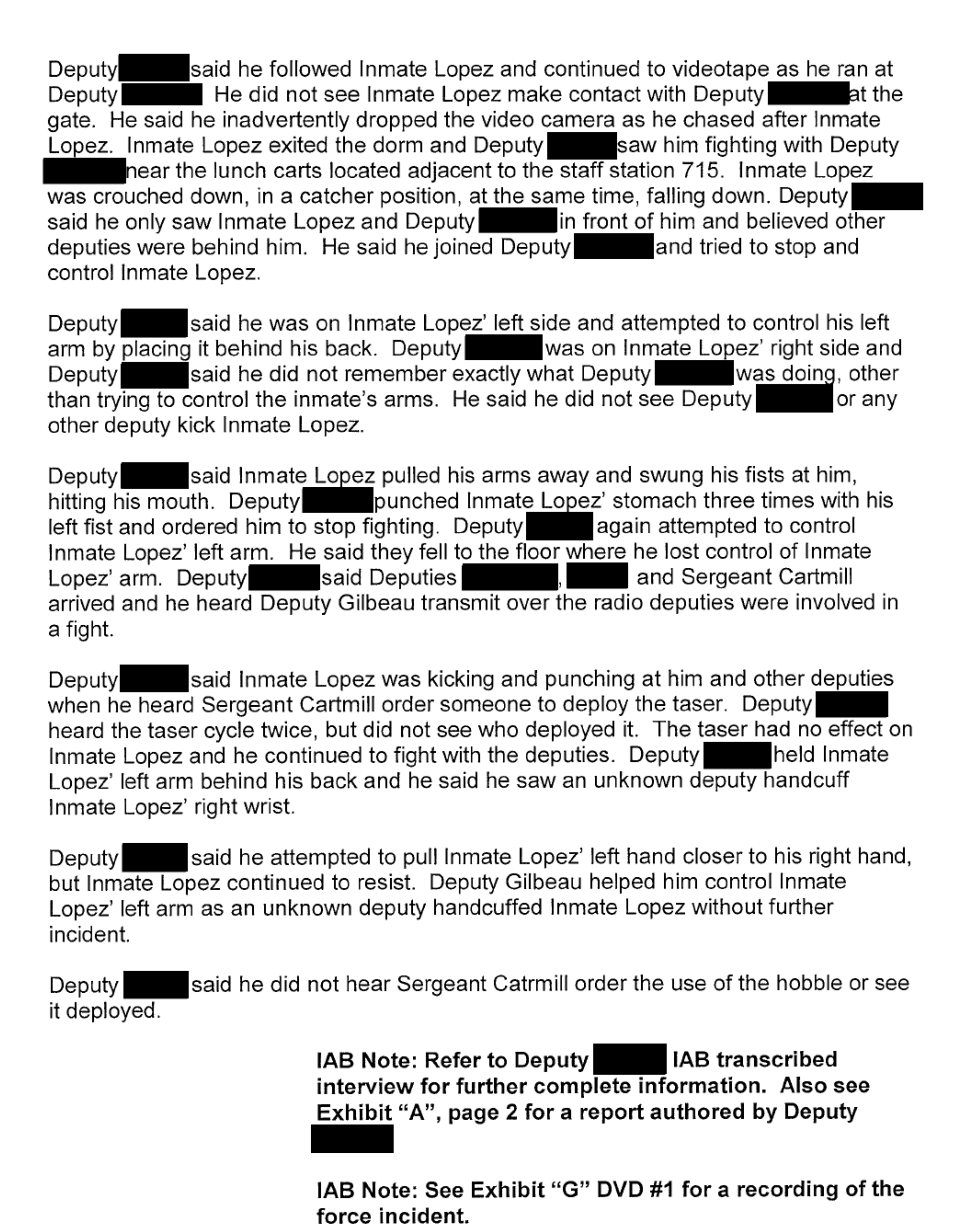
Deputy [redacted] said he was working staff station 715 when he heard a loud commotion coming from dorm 717. He looked into the dorm and saw Inmate Louis Lopez choking another inmate (Inmate [redacted] # [redacted] with a towel. Deputy [redacted] ordered Inmate Lopez to stop at which time he continued choking the other inmate. Deputy [redacted] said he thought Inmate Lopez was potentially trying to kill Inmate [redacted] Deputy [redacted] immediately retrieved a video camera to document the incident while broadcasting an inmate disturbance over the radio.

Deputy [redacted] said Inmate [redacted] escaped from Inmate Lopez' hold and he (Deputy [redacted] ordered Inmate Lopez to stop his attack. Both inmates separated and Inmate Lopez approached the cell bars. Deputy [redacted] ordered Inmate Lopez to remain at the bars so he could handcuff him, but he refused and stated he was not a gang member and he wanted deputies to kill him. Inmate Lopez yelled out that deputies were "involved" and on drugs. Inmate Lopez stated Deputy [redacted] set him up and other inmates were also involved. Deputy [redacted] continued to video tape Inmate Lopez from outside the dorm.

Deputy [redacted] said Deputies [redacted] and [redacted] arrived at dorm 717 along with Sergeant Cartmill. Deputies [redacted] and [redacted] along with Sergeant Cartmill entered the dorm and Deputy [redacted] ordered Inmate Lopez numerous times to turn around and place his hands behind his back. Deputy [redacted] heard Sergeant Cartmill advise Inmate Lopez that if he did not comply with their orders he would be pepper sprayed or tased. Deputy [redacted] entered the dorm as he continued to videotape the incident. Inmate Lopez did not comply with orders to turn around.

Deputy [redacted] said he heard Sergeant Cartmill order deputies to deploy OC spray. He said he saw Deputy [redacted] deploy a three to five second burst of OC spray at Inmate Lopez. Inmate Lopez turned away and used a towel to deflect the OC spray. Deputy [redacted] said the OC spray was ineffective and Inmate Lopez walked toward the rear of the dorm.

Deputy [redacted] said he heard Sergeant Cartmill order Deputy [redacted] to tase Inmate Lopez. Inmate Lopez turned and started to run toward the front door of the dorm where Deputy [redacted] was stationed. Deputy [redacted] heard the taser cycle, but he did not see the darts deploy and Inmate Lopez was still mobile.



Deputy [redacted] said he followed Inmate Lopez and continued to videotape as he ran at Deputy [redacted] He did not see Inmate Lopez make contact with Deputy [redacted] at the gate. He said he inadvertently dropped the video camera as he chased after Inmate Lopez. Inmate Lopez exited the dorm and Deputy [redacted] saw him fighting with Deputy [redacted] near the lunch carts located adjacent to the staff station 715. Inmate Lopez was crouched down, in a catcher position, at the same time, falling down. Deputy [redacted] said he only saw Inmate Lopez and Deputy [redacted] in front of him and believed other deputies were behind him. He said he joined Deputy [redacted] and tried to stop and control Inmate Lopez.

Deputy [redacted] said he was on Inmate Lopez' left side and attempted to control his left arm by placing it behind his back. Deputy [redacted] was on Inmate Lopez' right side and Deputy [redacted] said he did not remember exactly what Deputy [redacted] was doing, other than trying to control the inmate's arms. He said he did not see Deputy [redacted] or any other deputy kick Inmate Lopez.

Deputy [redacted] said Inmate Lopez pulled his arms away and swung his fists at him, hitting his mouth. Deputy [redacted] punched Inmate Lopez' stomach three times with his left fist and ordered him to stop fighting. Deputy [redacted] again attempted to control Inmate Lopez' left arm. He said they fell to the floor where he lost control of Inmate Lopez' arm. Deputy [redacted] said Deputies [redacted], [redacted] and Sergeant Cartmill arrived and he heard Deputy Gilbeau transmit over the radio deputies were involved in a fight.

Deputy [redacted] said Inmate Lopez was kicking and punching at him and other deputies when he heard Sergeant Cartmill order someone to deploy the taser. Deputy [redacted] heard the taser cycle twice, but did not see who deployed it. The taser had no effect on Inmate Lopez and he continued to fight with the deputies. Deputy [redacted] held Inmate Lopez' left arm behind his back and he said he saw an unknown deputy handcuff Inmate Lopez' right wrist.

Deputy [redacted] said he attempted to pull Inmate Lopez' left hand closer to his right hand, but Inmate Lopez continued to resist. Deputy Gilbeau helped him control Inmate Lopez' left arm as an unknown deputy handcuffed Inmate Lopez without further incident.

Deputy [redacted] said he did not hear Sergeant Catrmill order the use of the hobble or see it deployed.

**IAB Note: Refer to Deputy [redacted] IAB transcribed interview for further complete information. Also see Exhibit "A", page 2 for a report authored by Deputy [redacted]**

**IAB Note: See Exhibit "G" DVD #1 for a recording of the force incident.**

[redacted] Deputy Sheriff

Deputy [redacted] was interviewed by IAB Sergeants David Bly and Brenda Parker on January 20, 2012, at approximately 0942 hours. The interview took place at IAB and was recorded for review. The following is a summary of that interview and of a report he wrote:

Deputy [redacted] said he was working as 700 Prowler-1 and was walking toward staff station 715 when he saw Inmates Lopez and [redacted] fighting in dorm 717. The inmates arms were entangled. He said Deputy [redacted] was videotaping the fight and he heard Deputy [redacted] ordered them to stop fighting. The inmates did not comply with Deputy [redacted] orders and Deputy [redacted] advised over the radio of an inmate disturbance. He said Inmate Lopez yelled something at Deputy [redacted] but does not remember what it was.

Deputy [redacted] said Sergeant Cartmill and Deputy [redacted] arrived at the dorm and Inmate Lopez walked away. Deputy [redacted] said Deputy [redacted] ordered Inmate Lopez to stop and place his hands through the tray slot so he could be handcuffed. Inmate Lopez refused and started yelling at them. Deputy [redacted] said he, Deputy [redacted] and Sergeant Cartmill entered the dorm to remove Inmate [redacted] Inmate [redacted] was removed and placed in a holding cell by an unknown deputy.

Deputy [redacted] said he ordered Inmate Lopez numerous times to turn around and place his hands behind his back. Inmate Lopez did not comply. Sergeant Cartmill directed Deputy [redacted] to deploy OC spray. He said he retrieved Deputy [redacted] OC canister from [redacted] belt and deployed a three to five second burst of OC spray at Inmate Lopez. He said Inmate Lopez turned away and the OC spray landed on the back of his head. He said he used Deputy [redacted] OC because his OC canister was empty and he did not have a chance to replace it.

Deputy [redacted] said Sergeant Cartmill directed Deputy [redacted] to deploy the taser. He said he saw Deputy [redacted] deploy the taser at Inmate Lopez and he heard it cycle, but the darts did not discharge. Inmate Lopez ran out of the dorm and Deputy [redacted] followed him. He said he did not see a deputy stationed at the gate because his view was obstructed by the dorm door.

Deputy [redacted] said as he exited the dorm, he saw Inmate Lopez in front of staff station 715 on his hands and knees and Deputies [redacted] and Gilbeau were attempting to control him and apply handcuffs. He said they ordered Inmate Lopez to stop fighting numerous times, but he did not comply. He did not see Inmate Lopez hit the food carts outside of the dorm. Deputy [redacted] said Inmate Lopez kicked and swung his fists at him as he attempted to help control him. Inmate Lopez and the deputies then fell to the floor.

**IAB Note: See Exhibit "D" pages 7 and 8 for photographs of blood stains on the floor in front of Staff Station 715 indicating where the force took place. Also see Exhibit "E" for a diagram where Deputy [redacted] noted where the force took place.**

Deputy [redacted] said he punched Inmate Lopez with his right fist on his right lower torso four to five times in an attempt to gain his compliance so he could control his right arm.

Deputy [redacted] said he heard Sergeant Cartmill order Inmate Lopez to stop fighting and an order to deploy the taser. Deputy [redacted] attempted to tase Inmate Lopez a second time, but the darts again did not discharge. Deputy [redacted] deployed the taser in the drive stun mode on Inmate Lopez' lower back, but Deputy [redacted] said it had no effect on Inmate Lopez.

Deputy [redacted] said he was focused on controlling Inmate Lopez' right arm and wrist. He said he placed his handcuffs on Inmate Lopez' right wrist and Deputies [redacted] and Gilbeau gained control of Inmate Lopez' left arm. He said he completed handcuffing Inmate Lopez' left wrist and heard Sergeant Cartmill ask for a hobble restraint. He said he did not see who placed the hobbled on Inmate Lopez.

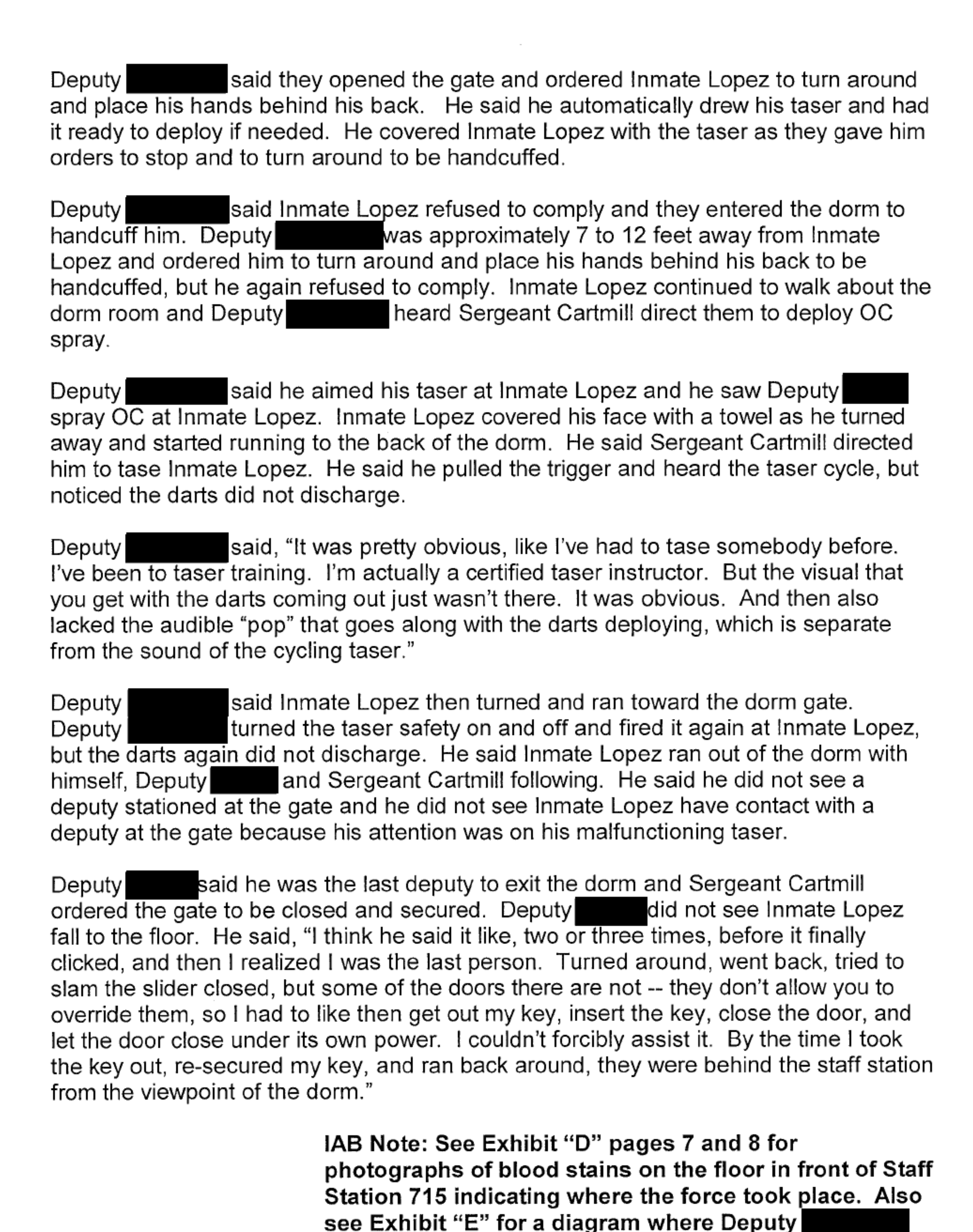
Deputy [redacted] said he did not see Deputy [redacted] or any other deputy kick Inmate Lopez.

**IAB Note: Refer to Deputy [redacted] IAB transcribed interview for further complete information. Also see Exhibit "A", page 11 for a supplemental report authored by Deputy [redacted]**

[redacted] Deputy Sheriff

Deputy [redacted] was interviewed by IAB Sergeants David Bly and Brenda Parker on January 20, 2012, at approximately 0958 hours. The interview took place at IAB and was recorded for review. The following is a summary of that interview and of a report he wrote:

Deputy [redacted] said he was assigned as the acting Senior Deputy in the 700 building when he heard Deputy [redacted] advise over the radio a disturbance in dorm 717. He responded to dorm 717 with Sergeant Cartmill and saw Deputy [redacted] outside of the dorm videotaping Inmate Lopez who was standing at the cell bars. He said Deputy [redacted] was standing at the slider gate and Inmate Lopez said, "I'm not doing it, I know what happens." Inmate Lopez refused orders from deputies to be handcuffed through the bars.



Deputy [redacted] said they opened the gate and ordered Inmate Lopez to turn around and place his hands behind his back. He said he automatically drew his taser and had it ready to deploy if needed. He covered Inmate Lopez with the taser as they gave him orders to stop and to turn around to be handcuffed.

Deputy [redacted] said Inmate Lopez refused to comply and they entered the dorm to handcuff him. Deputy [redacted] was approximately 7 to 12 feet away from Inmate Lopez and ordered him to turn around and place his hands behind his back to be handcuffed, but he again refused to comply. Inmate Lopez continued to walk about the dorm room and Deputy [redacted] heard Sergeant Cartmill direct them to deploy OC spray.

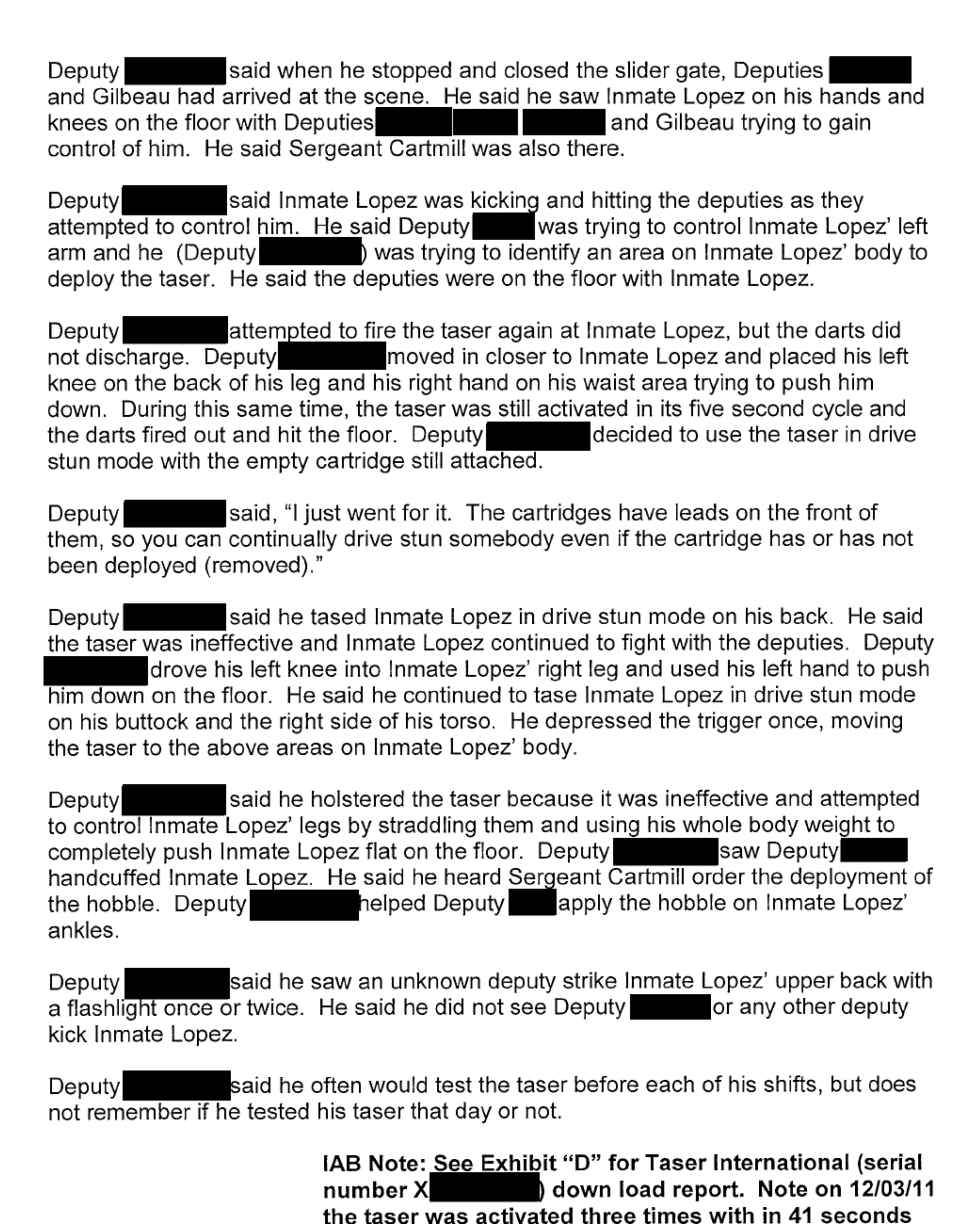
Deputy [redacted] said he aimed his taser at Inmate Lopez and he saw Deputy [redacted] spray OC at Inmate Lopez. Inmate Lopez covered his face with a towel as he turned away and started running to the back of the dorm. He said Sergeant Cartmill directed him to tase Inmate Lopez. He said he pulled the trigger and heard the taser cycle, but noticed the darts did not discharge.

Deputy [redacted] said, "It was pretty obvious, like I've had to tase somebody before. I've been to taser training. I'm actually a certified taser instructor. But the visual that you get with the darts coming out just wasn't there. It was obvious. And then also lacked the audible "pop" that goes along with the darts deploying, which is separate from the sound of the cycling taser."

Deputy [redacted] said Inmate Lopez then turned and ran toward the dorm gate. Deputy [redacted] turned the taser safety on and off and fired it again at Inmate Lopez, but the darts again did not discharge. He said Inmate Lopez ran out of the dorm with himself, Deputy [redacted] and Sergeant Cartmill following. He said he did not see a deputy stationed at the gate and he did not see Inmate Lopez have contact with a deputy at the gate because his attention was on his malfunctioning taser.

Deputy [redacted] said he was the last deputy to exit the dorm and Sergeant Cartmill ordered the gate to be closed and secured. Deputy [redacted] did not see Inmate Lopez fall to the floor. He said, "I think he said it like, two or three times, before it finally clicked, and then I realized I was the last person. Turned around, went back, tried to slam the slider closed, but some of the doors there are not -- they don't allow you to override them, so I had to like then get out my key, insert the key, close the door, and let the door close under its own power. I couldn't forcibly assist it. By the time I took the key out, re-secured my key, and ran back around, they were behind the staff station from the viewpoint of the dorm."

**IAB Note: See Exhibit "D" pages 7 and 8 for photographs of blood stains on the floor in front of Staff Station 715 indicating where the force took place. Also see Exhibit "E" for a diagram where Deputy [redacted] noted where the force took place.**



Deputy [redacted] said when he stopped and closed the slider gate, Deputies [redacted] and Gilbeau had arrived at the scene. He said he saw Inmate Lopez on his hands and knees on the floor with Deputies [redacted] [redacted] and Gilbeau trying to gain control of him. He said Sergeant Cartmill was also there.

Deputy [redacted] said Inmate Lopez was kicking and hitting the deputies as they attempted to control him. He said Deputy [redacted] was trying to control Inmate Lopez' left arm and he (Deputy [redacted]) was trying to identify an area on Inmate Lopez' body to deploy the taser. He said the deputies were on the floor with Inmate Lopez.

Deputy [redacted] attempted to fire the taser again at Inmate Lopez, but the darts did not discharge. Deputy [redacted] moved in closer to Inmate Lopez and placed his left knee on the back of his leg and his right hand on his waist area trying to push him down. During this same time, the taser was still activated in its five second cycle and the darts fired out and hit the floor. Deputy [redacted] decided to use the taser in drive stun mode with the empty cartridge still attached.

Deputy [redacted] said, "I just went for it. The cartridges have leads on the front of them, so you can continually drive stun somebody even if the cartridge has or has not been deployed (removed)."

Deputy [redacted] said he tased Inmate Lopez in drive stun mode on his back. He said the taser was ineffective and Inmate Lopez continued to fight with the deputies. Deputy [redacted] drove his left knee into Inmate Lopez' right leg and used his left hand to push him down on the floor. He said he continued to tase Inmate Lopez in drive stun mode on his buttock and the right side of his torso. He depressed the trigger once, moving the taser to the above areas on Inmate Lopez' body.

Deputy [redacted] said he holstered the taser because it was ineffective and attempted to control Inmate Lopez' legs by straddling them and using his whole body weight to completely push Inmate Lopez flat on the floor. Deputy [redacted] saw Deputy [redacted] handcuffed Inmate Lopez. He said he heard Sergeant Cartmill order the deployment of the hobble. Deputy [redacted] helped Deputy [redacted] apply the hobble on Inmate Lopez' ankles.

Deputy [redacted] said he saw an unknown deputy strike Inmate Lopez' upper back with a flashlight once or twice. He said he did not see Deputy [redacted] or any other deputy kick Inmate Lopez.

Deputy [redacted] said he often would test the taser before each of his shifts, but does not remember if he tested his taser that day or not.

**IAB Note: <u>See Exhibit "D"</u> for Taser International (serial number X[redacted]) down load report. Note on 12/03/11 the taser was activated three times with in 41 seconds between 13:27:41 and 13:28:22 hours.**

**IAB Note: Refer to Deputy [redacted] IAB transcribed interview for further complete information. Also see Exhibit "A", page 18 for a supplemental report authored by Deputy [redacted]**

**CARTMILL,** Richard, Sergeant

Sergeant Cartmill was interviewed by IAB Sergeant David Bly on January 3, 2012, at approximately 1317 hours. The interview took place at NCCF and was recorded for review. The following is a summary of that interview and of several reports he wrote:

Sergeant Cartmill said he was assigned as the sergeant for the 700 building when he heard over the radio of an inmate disturbance in the day room of dorm 717. He said he and Deputy [redacted] responded to staff station 715 from the sergeant's office and heard that an inmate had been strangling another inmate inside the dorm. As he approached staff station 715, he saw Deputy [redacted] standing outside of dorm 717 videotaping Inmate Lopez who was walking around near the cell bars. He said Inmate Lopez was a large man. Inmate [redacted] was standing near the dorm gate. He said Inmate Lopez was yelling and acting agitated, and he would not comply with orders to remain at the bars.

Sergeant Cartmill said he feared Inmate Lopez might attack Inmate [redacted] and/or additional inmates. He said Deputies [redacted] and [redacted] had arrived and he decided to enter the dorm to rescue Inmate [redacted] and to apprehend Inmate Lopez. Sergeant Cartmill saw Deputy [redacted] was armed with the taser and his plan was to deploy OC spray and/or the taser if Inmate Lopez did not comply with his orders. He said he assigned Deputy [redacted] to the taser and assigned Deputy [redacted] as the arrest deputy and to deploy OC, if needed.

Sergeant Cartmill said he entered the dorm, along with Deputies [redacted], [redacted] [redacted] and [redacted] and positioned themselves between Inmate Lopez and Inmate [redacted] Deputy [redacted] remained at the dorm gate and Deputy [redacted] continued to videotape. Sergeant Cartmill ordered all the other inmates to get on the floor or on their bunks and they all complied. He said he was mindful this incident could have been a ruse to attack them and if the uninvolved inmates did not comply with his orders, he would have ordered the deputies to retreat.

Sergeant Cartmill said he ordered Inmate Lopez to turn around and place his hands behind his back to "cuff-up." Inmate Lopez did not comply with his orders and Sergeant Cartmill said he directed Deputy [redacted] to OC spray Inmate Lopez. Inmate Lopez deflected the OC spray with his arm and started to retreat to the rear of the dorm. He said the OC was ineffective.

Sergeant Cartmill said he feared Inmate Lopez would arm himself or was trying to lure them further into the dorm. He said he ordered Deputy [redacted] to tase Inmate Lopez who was five to ten feet away from Deputy [redacted] Sergeant Cartmill heard the taser cycle and thought the taser deployed properly. He said, at this time, he did not notice if the darts discharged or not. He saw Inmate Lopez run around them and toward the dorm gate. Inmate Lopez ran past Deputy [redacted] and exited the dorm. Sergeant Cartmill did not see Inmate Lopez and Deputy [redacted] make contact with each other. He said they followed him out into the staff area and he ordered the deputies to take Inmate Lopez to the floor.

Sergeant Cartmill said he saw Inmate Lopez trip and fall face first to the floor and into food carts located across from staff station 715. He said the food carts were located approximately ten feet from the dorm gate. Inmate Lopez started to get up from the floor and Sergeant Cartmill saw Deputies [redacted] Gilbeau, and [redacted] grab a hold of his arms. He said he ordered the deputies to take Inmate Lopez to the floor and for a deputy to close the dorm gate. Inmate Lopez kicked and punched at the deputies as they attempted to hold his arms and forced him to the floor.

Sergeant Cartmill said he directed Deputy [redacted] to tase Inmate Lopez again. He said he heard the taser cycle twice, but saw the darts had not discharged. Sergeant Cartmill then saw the darts dislodged and hit the floor. During this time, Sergeant Cartmill saw the deputies trying to remove Inmate Lopez' arms from underneath his body. He said he was very close to the deputies directing them to use force to subdue Inmate Lopez.

Sergeant Cartmill said he saw Deputy [redacted] punch Inmate Lopez several times in the side of his stomach while trying to control his arms. Inmate Lopez was given multiple orders to stop fighting, but he did not comply. He said he heard what he thought was an impact weapon striking Inmate Lopez. He said he did not see any impact weapons deployed during the incident. Deputy [redacted] deployed the taser in drive stun mode on Inmate Lopez. Inmate Lopez' body went limp and Inmate Lopez started to comply with his orders to stop struggling.

Sergeant Cartmill said he directed the use of the hobble and he grabbed a hold of Inmate Lopez' legs until Deputy [redacted] gained control of them. The hobble was placed around Inmate Lopez' ankles by Deputy [redacted] At the same time, deputies gained control of Inmate Lopez' arms and handcuffed him. He said he does not remember who actually handcuffed Inmate Lopez.

Sergeant Cartmill said medical staff arrived and treated Inmate Lopez. The deputies reported their force to him at which time, Deputy [redacted] told him he had dropped the video camera so he could help control Inmate Lopez. Deputy Lawrence told Sergeant Cartmill the video camera screen was blank and they thought the camera was not recording and was broken. The videotape was transferred to another video camera and they continued to videotape Inmate Lopez.

Sergeant Cartmill said he was not aware of any prior problems Inmate Lopez might of had in other dorms.

Sergeant Cartmill said he reviewed the videotape and discovered the original video camera continued to record audio only after Deputy [redacted] dropped it.

Sergeant Cartmill said he held a debriefing of the incident with the involved deputies. He said he understood why Deputy [redacted] wanted to help his fellow deputies, but reminded him in that particular incident his primary role was to video tape Inmate Lopez and the entire use of force.

Sergeant Cartmill said he tested Deputy [redacted] taser to find out why the darts did not deploy and discovered the taser worked properly. However, he and the training staff discovered there were a number of dart cartridges that did not work properly and the darts did not deploy.

**IAB Note: NCCF training personnel discovered that several out dated dart cartridges were in-service, and that was the apparent reason why the darts did not deploy in this incident. Taser International advised them to remove the outdated cartridges from service.**

Sergeant Cartmill said he interviewed numerous inmates on video tape and wrote a report summarizing their statements.

**IAB Note: Refer to Sergeant Cartmill's IAB transcribed interview for further complete information. Also see Exhibit "A", pages 15, 29, and 31A for supplemental reports authored by Sergeant Cartmill.**

**IAB Note: See Exhibit "G" DVD #1 and #1A for recordings of the force incident and Inmate Lopez' Watch Commander recorded interview. Also see DVD #2 and #2A for recordings of Sergeant Cartmill's inmate interviews.**

**GILBEAU,** Terren, Deputy Sheriff

Deputy Gilbeau was interviewed by IAB Sergeant David Bly on January 3, 2012, at approximately 1100 hours. The interview took place at the Airport Court House and was recorded for review. The following is a summary of that interview and of a report he wrote:

Deputy Gilbeau said he was assigned as the Title 15 Deputy in the 700 building when he heard over the radio of an inmate disturbance in dorm 717. He said he responded to the dorm and saw Sergeant Cartmill and other deputies inside the dorm ordering Inmate Lopez to get down, turn around and placed is hands behind his back. Deputy

Gilbeau entered the dorm and saw Sergeant Cartmill ordering Inmate Lopez to turn around and placed is hands behind his back or he would be OC sprayed. Inmate Lopez refused to comply with Sergeant Cartmill's orders and he heard Sergeant Cartmill order Deputy [redacted] to OC spray Inmate Lopez. Deputy [redacted] deployed OC spray and Inmate Lopez turned his back from the spray and the OC spray was ineffective. He said Inmate Lopez ran toward the dorm gate where Deputy [redacted] was stationed and he heard Sergeant Cartmill direct Deputy [redacted] to tase Inmate Lopez.

Deputy Gilbeau said he heard the taser cycle but the darts did not discharge. Inmate Lopez continued to run toward the gate with clenched fists. He said he saw Inmate Lopez swing at Deputy [redacted] face with his fist. He saw Deputy [redacted] step back and swing his flashlight at Inmate Lopez, striking him in his left shoulder as he passed Deputy [redacted] and went through the open gate.

Deputy Gilbeau said Inmate Lopez tripped and fell face down on the floor in front of the food carts located in front of staff station 715. Deputy Gilbeau ordered Inmate Lopez to remain on the floor and place his hands behind his back, but Inmate Lopez did not comply. He said he and Deputies [redacted] [redacted] and [redacted] approached Inmate Lopez. Deputy Gilbeau noticed Deputy [redacted] did not have the video camera with him. He said he did not know if the camera quit recording or if Deputy [redacted] dropped it.

Deputy Gilbeau said they tried to keep Inmate Lopez on the floor, but Inmate Lopez lifted his body up on his hands and knees and started to kick and punch at them. He ordered Inmate Lopez to stop fighting several times, but he did not comply and he continued to punch and kick at the deputies. He said they used a team takedown to force Inmate Lopez to the floor. Deputy Gilbeau struck Inmate Lopez on the left and right side of his back four to five times with his flashlight to get control of his arms and to prevent him from lifting his body off the floor. Inmate Lopez continued to struggle and growl at the deputies. Inmate Lopez was lying on his stomach on the floor. Deputy Gilbeau said he attempted to grab a hold of his left arm. He could not control his arm and Deputy Gilbeau said he struck the left side of Inmate Lopez' body twice with his left knee.

Deputy Gilbeau said he gained control of Inmate Lopez' left arm and handcuffed his left wrist. He said the handcuffing procedure was completed by an unknown deputy and Sergeant Cartmill directed him to place the hobble on Inmate Lopez. He said Sergeant Cartmill held Inmate Lopez' legs down as he placed the hobble on his ankles.

Deputy Gilbeau said he does not remember the taser being deployed outside of dorm 717.

Deputy Gilbeau said he suffered pain to his back, left forearm, and his left ring finger as a result of the incident.

**IAB Note: Refer to Deputy Gilbeau's IAB transcribed interview for further complete information. Also see Exhibit "A", page 13 for a supplemental report authored by Deputy Gilbeau.**

[redacted] Deputy Sheriff

Deputy [redacted] was interviewed by IAB Sergeants David Bly and Brenda Parker on January 20, 2012, at approximately 1050 hours. The interview took place at IAB and was recorded for review. The following is a summary of that interview and of a report he wrote:

Deputy [redacted] said he was working as the Title 15 Deputy in the 700 building when he heard over the radio of an inmate disturbance in dorm 717. He responded to dorm 717 and saw a deputy standing at the dorm gate videotaping and four to five deputies (including Sergeant Cartmill) inside the dorm. Deputy Gilbeau also arrived at the same time and he joined the other deputies inside the dorm. The deputies attention was directed at Inmate Lopez and Inmate Lopez was not complying with their orders. Deputy [redacted] said he stood at the open gate as the deputies ordered Inmate Lopez to stop moving and turn around to be handcuffed. Inmate Lopez did not comply with Sergeant Cartmill's orders to turn around to be handcuffed.

Deputy [redacted] said he heard Sergeant Cartmill order Deputy [redacted] to deploy OC spray. He said he saw Deputy [redacted] deploy a three to five second burst of OC spray at Inmate Lopez. Inmate Lopez turned away and the OC spray was ineffective. Inmate Lopez walked around a table inside the dorm.

Deputy [redacted] said he heard Sergeant Cartmill order Deputy [redacted] to tase Inmate Lopez. Inmate Lopez turned and started to run toward the front door of the dorm where he was stationed. Deputy [redacted] heard the taser cycle, but he said it was ineffective and Inmate Lopez was still mobile. He said he did not know the taser darts did not discharge.

Deputy [redacted] said Inmate Lopez charged at him and swung his right fist at his head. Deputy [redacted] said he took a step back to avoid being hit, at the same time, he retrieved his flashlight from his pants pocket and swung it at Inmate Lopez as he ran past him. He said his flashlight struck Inmate Lopez' left shoulder. He said he used the flashlight in a defensive move to avoid being attacked. Inmate Lopez continued running through the open gate and collided with the food carts located outside of dorm 717.

Deputy [redacted] said Inmate Lopez fell to his knees. Inmate Lopez turned, looked back and started to stand up. Deputy [redacted] said he moved toward Inmate Lopez and attempted to force him down on the floor. He said he wrapped his arms around Inmate Lopez' shoulder area, in a bear hug, and started to force him to the floor by using his body weight. Inmate Lopez broke free of his hold and struck Deputy [redacted] on the left side of his face with his right forearm. He said he was losing control of Inmate Lopez' body.

Deputy [redacted] said unknown deputies helped him prevent Inmate Lopez from completely standing up and they took him down to the floor. He said he used both of his hands to push Inmate Lopez on the back of his neck as they took him down. Inmate Lopez landed on his stomach and he attempted to get up again. Inmate Lopez used his hands and attempted to push himself up off the floor. He said he knew deputies were trying to keep Inmate Lopez flat on the floor and someone was trying to handcuff him, but he does not know exactly what the other deputies were doing.

Deputy [redacted] said he stood on the left side of Inmate Lopez and he used his right foot to apply pressure on the left side Inmate Lopez' back to keep him on the floor. He said he heard deputies ordering Inmate Lopez to stop fighting numerous times, but he continued to struggle and attempted to stand up.

Deputy [redacted] said he heard Sergeant Cartmill order the use of the taser and hobble. He said he saw Deputy [redacted] tase Inmate Lopez' lower back in the drive stun mode. Inmate Lopez appeared to have no reaction the taser.

Deputy [redacted] said Inmate Lopez continued to move about as deputies attempted to handcuff him. One deputy handcuffed Inmate Lopez' left hand, but was having trouble moving it to the center of his back to complete the handcuffing. Deputy [redacted] pushed down on Inmate Lopez' left shoulder with his right elbow and forearm to help control his body. Inmate Lopez turned his head and bit Deputy [redacted] right index finger. Deputy [redacted] said he moved his right arm away and continued to push down on Inmate Lopez' left shoulder with his left hand.

Deputy [redacted] said a few seconds later Inmate Lopez was handcuffed without further incident and stopped struggling.

Deputy [redacted] said he did not kick Inmate Lopez and he did not see any other deputy kick Inmate Lopez. He said he was not sure if Deputy Lawrence was present during the use of force, but he did remember seeing Deputy Lawrence after the incident.

**IAB Note: None of the involved personnel saw any deputy kick Inmate Lopez. However, Witness Deputy Lawrence stated he saw Deputy [redacted] kick Inmate Lopez' stomach.**

**IAB Note: See Exhibit "D" pages 7 and 8 for photographs of blood stains on the floor in front of Staff Station 715 indicating where the force took place. Also see Exhibit "E" for a diagram where Deputy [redacted] noted where the force took place.**

**IAB Note: Refer to Deputy [redacted] IAB transcribed interview for further complete information. Also see Exhibit "A", page 9 for a supplemental report authored by Deputy [redacted]**

[redacted] Deputy Sheriff

Deputy [redacted] was interviewed by IAB Sergeants David Bly and Brenda Parker on January 20, 2012, at approximately 1029 hours. The interview took place at IAB and was recorded for review. The following is a summary of that interview and of a report he wrote:

Deputy [redacted] said he responded to staff station 715 to help deputies who were in a fight. He saw Inmate Lopez face down on the floor and he was trying to push himself up off the floor. Deputies were trying to control Inmate Lopez and keep him down on the floor. Deputy [redacted] said he saw a spent taser cartridge on the floor near Inmate Lopez' feet.

Deputy [redacted] said he did not see any deputies kick Inmate Lopez. He said, "I don't even recall anybody standing there. Everybody was knelt -- kneeled down, so nobody would have been in a position to kick anybody. But he was down on the ground and they were trying to get, you know, a hold of his limbs, his arms, for cuffing, is what it appeared to be, to me, and they were struggling. He's a big guy, very big guy, very fat. He's very overweight. He's obese, and they were struggling with him. He's probably pretty strong and they looked like they were having a heck of a time just getting a hold of his arms and stuff."

Deputy [redacted] said he saw Sergeant Cartmill holding down Inmate Lopez' feet and Sergeant Cartmill ordered him to take control of Inmate Lopez' feet. He said he took control of Inmate Lopez' feet and Sergeant Cartmill ordered Deputy Gilbeau to place the hobble on Inmate Lopez. Deputy [redacted] helped Deputy Gilbeau place the hobble on Inmate Lopez' ankles.

Deputy [redacted] said he did not see or hear the taser being deployed.

**IAB Note: See Exhibit "D" pages 7 and 8 for photographs of blood stains on the floor in front of Staff Station 715 indicating where the force took place. Also see Exhibit "E" for a diagram where Deputy [redacted] noted where the force took place.**

**IAB Note: Refer to Deputy [redacted] IAB transcribed interview for further complete information. Also see Exhibit "A", page 14 for a supplemental report authored by Deputy [redacted]**

**IAB Note: See Exhibit "G", DVD #1, for a video recording of Inmate Lopez' actions, deputies contact with Inmate Lopez, and some of the force used by deputies as they attempted to control Inmate Lopez.**

**IAB Note: See Exhibit "C" for photographs of Inmate Lopez' injuries and Exhibit "G" for DVD #1 and #1A containing a recording depicting Inmate Lopez' injuries.**

## SWORN WITNESS STATEMENT

**LAWRENCE,** Marshall, Deputy Sheriff, #[redacted]

Deputy Lawrence was interviewed by IAB Sergeant David Bly on January 17, 2012, at approximately 1304 hours. The interview took place at North County Correctional Facility and was recorded for review. The following is a summary of that interview and of a report he wrote:

Deputy Lawrence said he was working the 710 staff station desk in the 700 building when her heard Deputy [redacted] ordering inmates to "stop." Deputy Lawrence saw two inmates struggling with each other in dorm 717 and he saw Deputy [redacted] start video taping Inmate Lopez. He said the distance between staff stations 710 and 715 is approximately fifty feet.

Deputy Lawrence said he was standing in front of the 710 staff desk and he could not clearly hear what was going on in dorm 717. Inmate Lopez appeared to be agitated and was yelling at Deputy [redacted] who was video taping him. Deputy Lawrence saw Sergeant Cartmill and several deputies enter dorm 717 while he remained at his station and observed what was going on.

Deputy Lawrence said he saw Inmate Lopez walking around in the day room of dorm 717. He saw a deputy pointing a taser at Inmate Lopez and another deputy deploy OC spray at Inmate Lopez. Inmate Lopez raised his arms and Deputy Lawrence heard Sergeant Cartmill yell out, "tase him", but he did not hear the taser cycle. Inmate Lopez suddenly ran toward the open gate where Deputy [redacted] was stationed.

Deputy Lawrence said Inmate Lopez ran at Deputy [redacted] and they made contact with each other. Deputy Lawrence said it appeared Inmate Lopez pushed Deputy [redacted] back at the same time Deputy [redacted] swung his flashlight at Inmate Lopez, striking Inmate Lopez on his left shoulder. Inmate Lopez continued his forward movement, tripping as he passed by Deputy [redacted] Inmate Lopez fell face first into food carts located across from staff station 715. After seeing Inmate Lopez exit the dorm and trip, Deputy Lawrence ran toward Inmate Lopez to help control him. He said Inmate Lopez appeared to be dazed.

**IAB Note: See Exhibit "E" for a diagram where Deputy Lawrence noted where he responded from, where the food carts were located, and where Inmate Lopez went to the ground.**

Deputy Lawrence said he approached Inmate Lopez who was on his hands and knees and he saw Deputy [redacted] and other deputies attempt to control Inmate Lopez. Deputy Lawrence said he saw Deputy [redacted] kick Inmate Lopez on the left side of his stomach. He described the kick as "like kicking a soccer ball" and/or maybe a stomp kick. Deputy Lawrence was one to two feet away from the deputies and Inmate Lopez. The deputies were trying to take a hold and control Inmate Lopez' arms, but Inmate Lopez was kicking his legs and swing his arms about. He described Inmate Lopez as

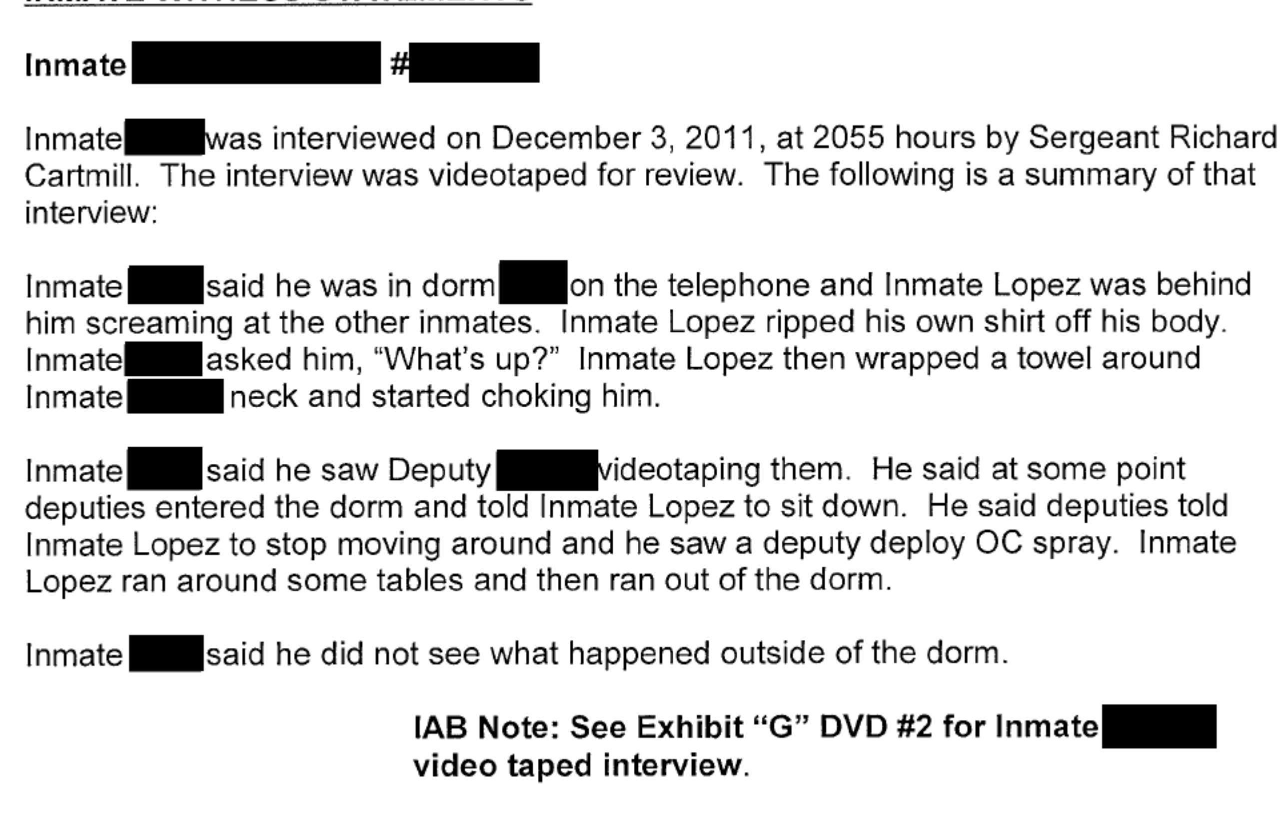
acting like a "bull." Deputy Lawrence saw that Deputy [redacted] had lost control of the video camera and it fell to the floor.

Deputy Lawrence said he thought there was approximately six deputies trying to control Inmate Lopez, but he said he did not count who was there. He said at one point he retrieved his handcuffs, but he could not make his way through the deputies to help them. Deputy Lawrence picked up the video camera and continued to record the incident. He said the screen on the camera was white and he placed the camera down because he thought it was not working. He said deputies struggled with Inmate Lopez for approximately ten seconds, trying to control his arms and legs.

Deputy Lawrence said he saw Deputy [redacted] deploy the taser by pointing it at Inmate Lopez' back, but he did not see if the taser was deployed in the drive stun mode or not. He said the taser did not have an effect on Inmate Lopez, however, deputies gained control of Inmate Lopez' arms and they placed handcuffs on him.

Deputy Lawrence said he heard Sergeant Cartmill order the use of the hobble, and he saw deputies place a hobble on Inmate Lopez' ankles.

**IAB Note: Refer to Deputy Lawrence's IAB transcribed interview for further complete information. Also see Exhibit "A", page 20 for a supplemental report authored by Deputy Lawrence.**



**<u>INMATE WITNESS STATEMENTS</u>**

**Inmate [redacted] #[redacted]**

Inmate [redacted] was interviewed on December 3, 2011, at 2055 hours by Sergeant Richard Cartmill. The interview was videotaped for review. The following is a summary of that interview:

Inmate [redacted] said he was in dorm [redacted] on the telephone and Inmate Lopez was behind him screaming at the other inmates. Inmate Lopez ripped his own shirt off his body. Inmate [redacted] asked him, "What's up?" Inmate Lopez then wrapped a towel around Inmate [redacted] neck and started choking him.

Inmate [redacted] said he saw Deputy [redacted] videotaping them. He said at some point deputies entered the dorm and told Inmate Lopez to sit down. He said deputies told Inmate Lopez to stop moving around and he saw a deputy deploy OC spray. Inmate Lopez ran around some tables and then ran out of the dorm.

Inmate [redacted] said he did not see what happened outside of the dorm.

**IAB Note: See Exhibit "G" DVD #2 for Inmate [redacted] video taped interview.**

**IAB Note: NCCF personnel interviewed all the inmates assigned to dorms, 716, 717, 718, and 719 on video tape (Exhibit "G" DVD numbers 2, 3, 4, and 5). The vast majority of those inmates stated they did not see or hear the incident with Inmate Lopez. Fourteen inmates stated they witnessed some portions of the incident. Those fourteen inmates were later interviewed on video tape (Exhibit "G" DVD #2A) on December 6, 2011, by Sergeant Cartmill. The following is a summary of those inmate statements.**

**Inmate [redacted] #[redacted]**

Inmate [redacted] said he was in dorm [redacted] and saw deputies enter the dorm and order Inmate Lopez to be handcuffed. Inmate Lopez was OC sprayed after he refused the deputies' orders. He said he saw Inmate Lopez run out of the dorm and he did not see what happened outside of the dorm.

**Inmate [redacted] #[redacted]**

Inmate [redacted] said he was in dorm [redacted] and saw Inmate Lopez choking Inmate [redacted] with a towel. Deputies ordered Inmate Lopez to stop and Inmate Lopez started yelling at the deputies. He said deputies tried to "talk him down" and Inmate Lopez was "out of control." Inmate [redacted] said he saw deputies OC spray and try to tase Inmate Lopez, but Inmate Lopez ran out of the dorm. He said he did not see what happened outside of the dorm.

**Inmate [redacted] #[redacted]**

Inmate [redacted] said he was in dorm [redacted] and heard deputies order Inmate Lopez to turn around and then he saw deputies OC spray Inmate Lopez. Inmate Lopez ran out of the dorm and he said he did not see what happened outside of the dorm.

**Inmate [redacted] #[redacted]**

Inmate [redacted] said he was in dorm [redacted] and saw Inmate Lopez choking Inmate [redacted] and a deputy video taping Inmate Lopez. Deputies were telling Inmate Lopez to stop, but Inmate Lopez did not comply with the deputies' orders. Deputies entered the dorm and Inmate Lopez yelled out the deputies were all "in on it" and they were going to kill him. Inmate [redacted] said he saw deputies OC spray and try to tase Inmate Lopez, but Inmate Lopez ran out of the dorm and fell down. He said he did not see what happened outside of the dorm.

**Inmate [redacted] #[redacted]**

Inmate [redacted] said he did not see what happened.

**Inmate [redacted]#[redacted]**

Inmate [redacted] said he was in dorm [redacted] and saw Inmate Lopez screaming, "You are all against me." Deputies ordered Inmate Lopez to sit down, but Inmate Lopez ran out of the dorm. Inmate Lopez pushed a deputy and Inmate [redacted] said he heard the order to tase Inmate Lopez. He said he did not see what happened outside of the dorm.

**Inmate [redacted] #[redacted]**

Inmate [redacted] said he was in dorm [redacted] and saw Inmate Lopez choking Inmate [redacted] with a towel and a deputy video taping Inmate Lopez. Deputies entered the dorm and tried to calm Inmate Lopez down. Deputies then OC sprayed Inmate Lopez and Inmate Lopez ran out of the dorm. He said he did not see what happened outside of the dorm.

**Inmate [redacted]#[redacted]**

Inmate [redacted] said he was in dorm [redacted] and saw Inmate Lopez choking Inmate [redacted] with a towel and a deputy video taping Inmate Lopez. Deputies entered the dorm and ordered Inmate Lopez to stop and to get on the floor. He saw deputies OC spray and try to tase Inmate Lopez, but Inmate Lopez ran out of the dorm and fell down.

Inmate [redacted] said he saw deputies around Inmate Lopez and he heard yelling. But he could not see what was happening because is view was obstructed by the staff station desk. He said he thought Inmate Lopez might be mentally ill or suffering from drug withdrawals.

**Inmate [redacted] #[redacted]**

Inmate [redacted] said he was in dorm [redacted] asleep. He said he woke up and saw deputies OC spraying Inmate Lopez. Inmate Lopez ran out of the dorm and he did not witness anything further. Inmate [redacted] said Inmate Lopez was out of control.

**Inmate [redacted] #[redacted]**

Inmate [redacted] said he was in dorm [redacted] and saw Inmate Lopez choking Inmate [redacted] with a towel. A deputy started videotaping Inmate Lopez and told him to stop. Deputies entered the dorm and ordered Inmate Lopez to stop and to get on the floor, but Inmate Lopez did not comply with the orders. He said Inmate Lopez was yelling at the Black inmates.

Inmate [redacted] said he did not see OC spray deployed, but could smell it in the air. He said he saw a deputy deploy the taser and Inmate Lopez ran out of the dorm. Inmate Lopez swung at a deputy who was standing at the front gate. He said he did not see what happened outside of the dorm.

**Inmate [redacted] # [redacted]**

Inmate [redacted] said he was in dorm [redacted] near dorm 717, when he saw Inmate Lopez run out of dorm 717 and fall to the floor on his own accord. He said he saw deputies hitting Inmate Lopez with their flashlights and Inmate Lopez then moved out of his view.

Inmate [redacted] then said he saw the entire incident that occurred outside of dorm 717. He said Inmate Lopez was on the floor with his body balled up and deputies were kicking him and hitting him with flashlights. He said Inmate Lopez was not fighting back and the deputies over reacted and rat packed Inmate Lopez. He said the deputies put on a show beating Inmate Lopez for two minutes.

**IAB Note: According to the video tape of the incident, the time from when Inmate Lopez ran out of the dorm until he was handcuffed and hobbled (code-4) was approximately 90 seconds. Also note; according to deputy statements and evidence (bloodstains on the floor and the height of staff station desk 715 ) of where the struggle took place in front of staff station desk 715, Inmate [redacted] view would have been greatly obstructed. See Exhibit "F" for a photograph of an outward view from dorm 718.**

**Inmate [redacted] # [redacted]**

Inmate [redacted] said he was in dorm [redacted] on the telephone, which is located adjacent to dorm 719. Inmate [redacted] saw Inmate Lopez walking out of dorm 717 with several deputies. He said he saw Inmate Lopez charge at Deputy [redacted] and then Inmate Lopez fell to the floor. He said even though he could not clearly see Inmate Lopez and the deputies, he saw a couple of deputies hold Inmate Lopez down and he heard deputies ordering him to stop fighting. Inmate [redacted] said he heard Inmate Lopez say, "I'm not resisting." He said he could not see Inmate Lopez and the deputies because the height of staff station desk 715 prevented him from seeing them on the floor.

Inmate [redacted] said at least a dozen deputies were involved with Inmate Lopez and even though he did not see a deputy deploy the taser, he heard it activated. He said the whole incident lasted seven to eight minutes.

**Inmate [redacted] # [redacted]**

Inmate [redacted] said he was walking on the deck to the day room located in dorm 710 when he saw Inmate Lopez running out of dorm 717. He saw Inmate Lopez swing his fist at the a deputy and miss. Then fall to the floor. He said he saw three to four deputies around Inmate Lopez and ordering him to get down. Inmate Lopez did not comply with the orders and started to get up and struggled with the deputies. He said deputies beat Inmate Lopez; however, he could not see what was happening in detail because a deputy was escorting him to a day room.

**Inmate [redacted]#[redacted]**

Inmate [redacted] said he was in dorm [redacted] when he saw several deputies inside dorm 717 with tasers. He moved away form the bars located near dorm 717 because he thought something was going to happen. He said he moved to the telephones which are located adjacent to dorm 719. Inmate [redacted] saw Inmate Lopez walking out of dorm 717 with two deputies holding his arms behind his back. He said he saw Inmate Lopez fall to the floor and three to four deputies hit Inmate Lopez with flashlights. He said he saw Inmate Lopez attempt to get up off the floor once or twice and Inmate Lopez said, "stop." However, he could not clearly see what was happening because he moved away from the bars further inside the dorm. He said a total of five deputies were involved in the incident with approximately three deputies hitting Inmate Lopez with flashlights.

Inmate [redacted] said the height of staff station desk 715 prevented him from seeing them on the floor and witnessing everything that was happening. He said he could not see what Inmate Lopez was doing, but saw deputies standing around Inmate Lopez.

**IAB Note: See Exhibit "A", page 26 a supplemental report authored by Sergeant Cartmill.**

## INMATE LUIS LOPEZ STATEMENT

**LOPEZ**, Luis

Inmate Lopez was interviewed on December 3, 2011, by Sergeant Richard Cartmill and Lieutenant Victor Lopez. The interview took place at North County Correctional Facility and was recorded on video tape. Inmate Lopez was also interviewed on December 3, 2011, by IAB Sergeant David Bly and IAB Lieutenant [redacted] The IAB interview took place at Inmate Reception Center and was recorded for review. The following is a summary of both interviews.

Inmate Lopez said he was involved in an incident involving other inmates and deputies earlier. He said he was in a dorm with approximately fifty to one hundred other inmates when Inmate [redacted] approached him and threatened to kill him. Inmate Lopez became scared and nervous. He said he moved to the front of the dorm and wanted to exit the dorm.

Inmate Lopez said he "flipped out" on Inmate [redacted] and they started fighting each other by pushing one another. He said he placed both of his hand on Inmate [redacted] upper chest and pushed him back. Deputies were telling him (Lopez) to get down on the floor and Inmate Lopez told the deputies he was in fear for his life and he wanted out. He said he did not know if the deputies gave Inmate [redacted] any orders. He said deputies entered the dorm and he started running toward the open gate. He said deputies followed him and he was "most likely" hit on the head (Inmate Lopez indicated above his right eye). Inmate Lopez fell to the ground where he said he "blacked out" for a "few seconds." He said he really does not know how his head was injured and he could have tripped, causing him to fall on the floor, injuring his head. He said he felt his head get hit, or his head hit the floor.

Inmate Lopez said he did not know how he ended up on the floor and assumed someone hit his head. He regained consciousness and heard deputies telling him to stay on the floor. He said he saw four to five deputies behind him as he started to get on his hands and knees. Deputies moved him back on to the floor by pushing down on his back. Inmate Lopez complied with their orders and remained on the floor where he said he "blacked out" a second time.

Inmate Lopez said he complied with orders to move his hands behind his back and he was handcuffed without further incident. He said deputies then escorted him to the medical clinic for medical treatment.

Inmate Lopez said he did not remember choking Inmate [redacted] and he denied hitting or biting any deputies.

Inmate Lopez said he became "stressed" and "freaked out" when Inmate [redacted] threatened to kill him.

Inmate Lopez said "a couple of days" prior to this incident he had problems with other inmates in a different dorm. He said he told deputies then, inmates wanted to harm him and he was moved to the trusty dorm.

Inmate Lopez told Sergeant Cartmill that he became upset and frightened in dorm 717 because he believed Deputy [redacted] was allowing other inmates from another dorm inside dorm 717. He said he had prior problems with the other inmates and they wanted to stab him. He said he would not allow the deputies to handcuff him and he ran out of the dorm because he thought he would be killed.

Inmate Lopez stated Inmate [redacted] looked at him and said something and looked away. He said he asked Inmate [redacted] what he said and then hit him. Inmate Lopez said he hit Inmate [redacted] first, then stated Inmate [redacted] hit him first. Both Inmates hit each other and then started pushing one another.

**IAB Note: See Exhibit "G" for DVD #1 containing video of Inmate Lopez and [redacted] pushing each other.**

Inmate Lopez stated he heard deputies telling him to stop fighting with Inmate [redacted] but he was afraid he would be harmed by other inmates and he continued fighting. Inmate Lopez stated he did not hear deputies telling him to turn around so they could handcuff him and he just wanted to run out of dorm 717 because he did not want the inmates to stab him. He stated he was pepper sprayed and he ran around the deputies to exit the dorm because other inmates were chasing him.

**IAB Note: The DVD of the incident does not show other inmates chasing Inmate Lopez.**

Inmate Lopez stated he wanted the deputies to handcuff him outside of dorm 717 and he wanted to get farther away from dorm 717, but he did not know why he did not comply with the deputies' orders once outside of the dorm. He said he blacked out twice.

**IAB Note: See Exhibit "G" for DVD #1A and DVD #2 containing Inmate Lopez' interview with Sergeant Cartmill and Lieutenant Victor Lopez.**

Inmate Lopez said he had attended therapy for stress in the past, but never has taken medication for his condition. Inmate Lopez became "stressed out" during his IAB interview and declined to answer further questions. He said if he did not get air on his face he would "black out."

# SHERIFF'S DEPARTMENT
## Internal Affairs Bureau
## - Case Addendum -

**UNIT:** North County Correctional Facility
**DATE:** December 3, 2011
**PERSONNEL:** Deputy [redacted] #[redacted]
**TIME:** 1320 hours
**LOCATION:** 29340 Old Road, Castaic
**IAB#:** FO2302877- IV2320645

This addendum investigation was conducted at the request of the Executive Force Review Committee, and is in regard to a use of force that occurred on December 3, 2011. The initial review of this case was approved on July 11, 2012, and was heard by the Executive Force Review Committee on September 13, 2012. The Committee requested an Internal Investigation be opened regarding the possible unreported use of force by Deputy [redacted] and they requested Witness Deputy Marshall Lawrence be re-interviewed. IV2320645 number was issued, and the following is a summary of Deputy Lawrence's additional statements.

**FOLLOW-UP INTERVIEW DEPUTY MARSHALL LAWRENCE**

Deputy Lawrence was interviewed by IAB Sergeant David Bly on September 19, 2012. The interview took place over the telephone and was recorded for review. The following is a summary of that interview:

Deputy Lawrence said he saw Inmate Lopez fall to the floor, and the inmate started to get up. Inmate Lopez was on his knees and elbows/hands. Deputy Lawrence said there was an approximate 12-inch space between Inmate Lopez' stomach and the floor. He said he saw Deputy [redacted] running toward Inmate Lopez.

Deputy Lawrence said he was approximately 15 feet away from Inmate Lopez and Deputy [redacted] and they were directly in front of him. He said Deputy [redacted] was running (three long strides) toward Inmate Lopez. He said Deputy [redacted] approached Inmate Lopez, and his left leg and foot made contact with the side of Lopez' stomach area, at the same time Deputy [redacted] fell on top of Inmate Lopez. He said a split second later other deputies fell on top of Inmate Lopez.

Deputy Lawrence said he first thought Deputy [redacted] possibly kicked Inmate Lopez. He also said Deputy [redacted] may have possibly run into Inmate Lopez as he attempted to stop himself, and his foot/leg made contact Inmate Lopez' side.

Deputy Lawrence said Deputy [redacted] action was all one motion of running toward the inmate, using his right foot, sliding on the floor, to stop his momentum, and his left foot contacting the side of the inmate. He said Deputy [redacted] motion was not like kicking a football. He said he was not sure if Deputy [redacted] intentionally kicked Inmate Lopez or if it just appeared that way.

Deputy Lawrence said he had a clear view of Deputy [redacted] and Inmate Lopez, and he was not distracted. He said approximately ten seconds later, his attention was drawn to the video camera on the floor. He said, as far as he knew, there were no other witnesses to what he described above.

**See Deputy Lawrence's attached interview transcripts for complete details.**